

**PLANNING COMMISSION
CITY OF ST. GEORGE
WASHINGTON COUNTY, UTAH
February 09, 2016 – 4:00 PM**

PRESENT: Chair Ross Taylor (site visit only)
Commissioner Don Buehner
Commissioner Ro Wilkinson
Commissioner Nathan Fisher
Commissioner Julie Hullinger
Commissioner Todd Staheli
Commissioner Diane Adams
Council Member Joe Bowcutt

CITY STAFF: Assistant Public Works Director Wes Jenkins
Planning & Zoning Manager John Willis
Assistant City Attorney Victoria Hales
Building & Development Office Supervisor Genna Singh

EXCUSED: Planner II Ray Snyder

1. **SITE VISIT**

Site visit for the proposed Residences at Four Fifty project; attendees are to meet at the intersection of 2450 East and 450 North.

Citizen Comments: Baltazar Zamora Jr and Rita Richardsen were in attendance at the site visit. Baltazar stated that the citizens have put together a “Plan C” to present at the meeting.

Purpose of Visit: walk the site of the proposed change for Residences at Four Fifty.

No action was taken while on the site visit.

Return to City Hall, City Council Chambers, 175 East 200 North at approximately 5:00 pm for the following business:

FLAG SALUTE

Call to Order

Flag Salute by Commissioner Diane Adams at 4:45 pm.

Commissioner Nathan Fisher serving as chair.

Chair Pro Tem Nathan Fisher noted that as the meeting did begin at a site visit and is beginning earlier than normal, the agenda will go out of order.

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2. **ZONE CHANGE (ZC)** (Public Hearing)

Consider a request to rezone approximately 4.78 acres from R-1-7 (Single Family Residential 7,000 sq. ft. minimum lot size) to PD-R (Planned Development Residential). The project is called the '**Residences at Four Fifty**' and the property is located on 450 North Street between 2480 East and 2720 East. The proposal is to consider two (2) options: A) a townhouse project consisting of ten (10) dwelling structures with thirty-eight (38) units, or B) a townhouse development project consisting of eight (8) dwelling structures with thirty-two (32) units and four (4) single family lots. The owner is Dixie Endeavor LLC and the representative is Mr. Dave Nasal. Case No. 2016-ZC-006. (Staff John Willis)

John Willis presented the following:

This is the 3rd time the Planning Commission has seen a request on this property. There is a provision in the ordinance to allow the applicant to resubmit if substantial changes have been made to the site or application. Code states that qualifying factors are: reduction in density and or land area, change in use, or other factors in the opinion of the City Council. The applicant has resubmitted with modifications. The project is located on 450 North. Current zoning is R-1-7 and the land use is MDR which is 5-9 dwelling units per acre. This site could have 24-43 units based on that range. The applicant has proposed two options for consideration.

A – townhouse project with 38 townhouses. Density is 7.95 du/a. They have proposed a private drive on the exterior of the property to provide a separation between the single family and townhouse project. It's about 61' from the lot line to the first building. There will be garages on these units so they are proposing the 2 parking spaces per unit are taken care of by the garages. Guest parking, landscaping, and recreation meet or exceed the code. They do not propose block walls on 450 it will remain open.

B – townhouse project with 32 townhouses and 4 single family lots. They are proposing garages here as well to meet the parking standard. Guest parking is 1:3. Landscaping meets the ordinance. Recreation area meets the requirement. The single family lots would be adjacent to the existing single family residential.

Elevations and a materials board have been submitted. There will be a mixture of stone and stucco. It's the same as what we've seen in the previous requests. Option B single family lot elevations were not provided. The previous unit count was 40. The exterior road came through the project and townhouses were at the wall. Both proposals mitigate potential issues. The separation with the road on the exterior is an increased setback. Having a single family lot built in a townhouse project may be difficult to manage. Both mitigate but staff prefers the separation in plan B.

Dave Nasal – We don't have a preference between option A or B as the applicant. The SpringTree condo project is to the north of this proposal. Those are single story multifamily built in the 1980s. They are about 30' from the property line. 350 North at Southpoint where the block wall is and on the opposite side is the mobile home park and the road is much smaller. We propose open on our side of 450 rather than putting a block wall. The single family homes are elevated above our project. If we look at Meadow Pointe it will be adjacent to the Flats. 450 North was the buffer for the R-1-7 and the Flats. I feel that 450 is a good buffer here. There will be an HOA to manage the property and professional landscaping will be on contract. I've spoken to an appraiser and they said that R-1-7 and a town home are not comparable. There isn't an issue from a value standpoint. We will address the drainage and roads. As

you look at the lots that just got approved they are as close to or closer to the residents who are already there. I am sensitive to the neighbors adjacent to the property. We've listened and made adjustments.

Chair Pro Tem Nathan Fisher opened the public hearing and noted that the Commission is seeking factual and relevant comments. If comments have been made we don't need to hear them multiple times. New information is more beneficial.

Assistant City Attorney Victoria Hales counseled that the decision tonight is whether or not the zone change is suitable for the location. The request is to change from R-1-7 to PD-R and the project is proposing multifamily residential on about 5 acres. It is adjacent to R-1-17, R-3.

Chair Pro Tem Nathan Fisher added that because it's a PD we are looking at all elements including the materials, site plan, etc.

Assistant City Attorney Victoria Hales added that the number and type of units will be part of that approval, as well as the materials board and elevations.

Baltazar Zamora Jr– We got together to create a community mission statement: “to ensure and promote our community's quality of life is preserved for our generation and future generations”. We bought in this area knowing that there would be single family residents by us. We didn't sign up for more units. We have created a recommendation for the area. We propose another cul-de-sac adjacent to our cul-de-sac with seven (7) single family homes. The number of units would be less than the applicant's proposal. Our plan has 31 units. 450 would still connect through. The height of the buildings is not relevant it's the type of unit that is the issue. We want a single family dwelling next to the property we purchased. It allows for an increased distance from our cul-de-sac to the multi family area. 450 North is a large street. If vehicles turn into our cul-de-sac by mistake, that is an increased hazard that concerns us with plan A. The noise from 450 North cannot be mitigated and neither can the traffic and hazards. There is a drainage issue in this area. By adding a cul-de-sac and dropping the number of multifamily units would help mitigate that. We're not against development. We would prefer that it remain the same so we can grow our community. If we have to compromise we want to meet in the middle. We don't have a problem with single family behind our homes.

Councilman Joe Bowcutt said there isn't a lot of difference between the applicant's option B and the citizen's option C. You've added a roadway and another row of houses but the situation at your home is almost identical. Why not go with plan B?

Baltazar Zamora Jr – the residents going into 450 North would use the through road and if they miss the turn they go into our cul-de-sac. If it's not a through street and is another cul-de-sac they would know that it's not this street it's the next one.

Peter Mikitis – plan C has a natural transition into the multi family. Anyone who buys into the 7 house cul-de-sac knows that there is going to be multifamily next to them. That isn't an option we were given when we bought. The two cul-de-sacs are aesthetically better. Plan C is safer. Nothing has been said about how it's going to be owned. Is it going to be rental property? Are people buying? We're looking for future generations. We're not there temporarily. We want other families there that will stay there for a long time. I feel like we're going backwards. I feel like council should have approved that this is a substantial change before it came before you. I feel like I've been coerced into this situation. We don't have a choice in the matter and we should. Dave Nasal didn't meet with us. I thought we would be a year out before we would have to deal with this again.

Chair Pro Tem Nathan Fisher said we as a Planning Commission have to presume that it is going forward and it is up to council if it's substantial. Let's focus on what we can decide such as detrimental impacts the proposal has in this area and the concerns you have and mitigating measures.

Peter Mikitis said we've come up with a great compromise. I feel like we don't have any alternative. All the neighbors are on board with this. Is it rental or owner occupied?

Chair Pro Tem Nathan Fisher explained that ownership is not in our purview. It will be platted with separate lots that can be sold individually but it is not something that we enforce.

Peter Mikitis said individual residential units versus a four-plex needs to be stated. If I own a four-plex I won't live in all four. It will be rental property. We bought in this area to avoid rental properties. This comes down to money. I bought here with single family by me. He bought this property as single family. It makes a difference how the ownership lays out.

Jeremy Robinson – we've been here multiple times with these proposals. We want to maintain a residential community and keep the zoning as it is. I don't think we should compromise. I think it should remain as is. I think you change the layout to make the single family profitable. I believe the zoning should remain as R-1-7.

Barbara Turnbow – the Southpoint area has trailers to the south, apartments to the north, and apartments to the east of them. We don't need more apartments here. 450 North is not a buffer. If you drive towards the mall it is all single family homes.

Councilman Joe Bowcutt said when Kendrick develops the R-1-17 there will be a greater buffer at 450.

Kendrick Rogers – Meadow Pointe – we're to the south with 30 single family homes. We looked at the Flats which are to the north and we were not concerned with that. There are some blended properties around here. We're going to make a nice community and are not concerned. We are to participate in 450 North improvements and we want that road to go through. Regardless of what product goes there, the continuation of that road is key. I've looked at the applicant proposals and all of them are separate tax IDs. The notion of renting or not renting is not relevant. The single family homes can be rented. The proposal with the road and setback at 60' is a great buffer. When we jumped in we did so expecting development to the north and we support either proposal. I don't see the single row of single family homes marketing well. The proposal with garages is an upgrade to the adjacent multi housing. If there's a project here I believe the kids will all play together and it will work out. We want our project and a project to the north to go forward at the same time to get the road developed.

Jeff Mathis – architect – mixed communities is a recognized planning practice. It's a way to bring diversity to an area to bring everyone together. I see this area as that type of community. I understand that the residents bought with an idea of being surrounded by single family but this is an opportunity to fill a price gap. 450 North is an 80' ROW. This project does not change the road. It's a major road regardless of what is developed here.

Commissioner Ro Wilkinson said going west of 450 it makes sense to continue that through and have it look the same. It's a nice area.

Weston Bledsoe – my hope is to move into a project like this. I plan to move into a town home as a transition from renting and start a family in a town home. Moving into a newer development would be such an improvement from where we are and a project like this is a good next step.

Roland Clifford Turnbow – we’ve been going through this for months now. If this discussion and conflict was in your home – what would you do to resolve it? We’re in a situation where we as a neighborhood have met and discussed. I have researched communities in California that have multifamily by single family. You may have high density in homes and it doesn’t mean you’ll have tenants. There are statistics that show if there is a market or not. The difference between B and C – within one year with SF next to high density living – the single family home will have 64% of people moving within a year. Commercial real estate professionals are familiar with reducing or eliminating zoning opposition. It’s your responsibility to protect the integrity of our community. Had the common practices been followed we would support this development. There is no communication between the developer and community. The master plan has two entrances into this development. Plan A has the entrance right by 2480 and that street goes all the way north and curves around and comes out at 2720. That creates a risk and hazard. There need to be entrances for emergency personnel. The streets are narrow. Street parking – on the south side there isn’t any identified parking on the private street. The plan says no parking on the south side and then on the east there is one guest parking for every 3 units. That’s insufficient. Has anyone considered the environmental impact with that many vehicles in that small of an area? Where will the trash enclosures be located?

Commissioner Todd Staheli said there will be garbage service just like you have in single family.

Roland Clifford Turnbow asked how traffic will be handled on 450 North. There has to be ingress and egress.

Assistant City Attorney Victoria Hales clarified that they will need to meet the code. Fire access will be required, guest parking and resident parking must meet the ordinance. These items have been addressed by staff.

Roland Clifford Turnbow asked about detention for storm water and landscaping.

Assistant City Attorney Victoria Hales stated drainage will have to be to the street from the development.

Commissioner Don Buehner stated there are landscape plans proposed.

Roland Clifford Turnbow added that the materials board presented is not consistent with the exterior of the homes in the area.

Chair Nathan Fisher closed the public hearing.

Dave Nasal – we work extensively with staff as well as services like waste pick up. This product will fill a need. We cannot discriminate who purchases our properties. It’s been stated we’ve changed our proposals and we hope that is viewed as positive as we try to make accommodations. I have knocked on doors and met with the neighbors and feel this is a good product.

Commissioner Don Buehner said the problem here is an area problem and is 450 North. It’s not part of your neighborhood really. There’s a block wall that separates you. Across the street is an odd property that will be developed someday somehow. The developer has put some space between the neighbors to the west. I don’t see where the neighborhood to the west will have a safety hazard with access. Their wall and elevation is a benefit to them and won’t go away with this design. The idea of transient neighbors is a valid issue but they are individually platted and can be individually owned. Option C was designed well but was not to scale and would look very different if laid out by a professional. I don’t see option C solving a problem.

Commissioner Ro Wilkinson said once developed I think the neighborhood will love it.

Commissioner Diane Adams said economically I like the thought of having a town home as a transition home for families who need that step.

Chair Pro Tem Nathan Fisher said I would emphasize that we need to be very careful when we imply that renters are a sub class. The increased turnover doesn't mean that the families there are less. We have a list of your concerns and most of the issues are addressed by staff during their review. I was inclined to see higher density here with the first proposal. It's going to be an 80' road regardless of the number of units in this development. All of the issues raised were genuine concerns but I feel have been satisfied by the developer.

Commissioner Don Buehner said in regards to renting there is a nature that is different than owning. I don't see it as a disparity but a fact. All of us have moved through that stage.

MOTION: Commissioner Todd Staheli made a motion to recommend approval of item 2 with option A as presented with staff's comments.

SECOND: Commissioner Ro Wilkinson

Assistant City Attorney Victoria Hales asked if that is including the materials board and other details as proposed.

Commissioner Todd Staheli said yes.

AYES (6)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Commissioner Nathan Fisher

Commissioner Diane Adams

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAYS (0)

Motion carries.

3. **CONDITIONAL USE PERMIT (CUP)**

Consider a request for permission to manage and operate a tattoo shop called '**Creative Ink Tattoo Parlor.**' The applicant and representative is Mr. Brian Mitchell. The property is located at 1250 W Sunset Blvd #B1 and is zoned C-3 (General Commercial). Case No. 2016-CUP-006. (Staff John Willis)

John Willis presented the following:

C-3 zoning has tattoo shops listed as a CUP. There is split zoning on the property. The proposed shop is in the C-3 area of the property. A floor plan has been submitted. There will be a receiving area, 1-2 stations and a bathroom area. Some conditions placed on previous CUP applications – no smoke shop items can be sold on premise, must obtain city and state licenses. Applicable findings – I (saturation and spacing) – there are some businesses that are best to be spread out and this may be a use that you would want to consider in that category.

Councilman Joe Bowcutt asked if the M-1 zoning were taken over could the tattoo shop be there. John Willis stated tattoo is a permitted use in M-1, tattoo is a CUP in C-3.

Commissioner Ro Wilkinson asked how the needles are going to be disposed.

Brian Mitchell explained that disposal will be per the Health Department.

Commissioner Don Buehner asked how close it is to the nearest tattoo shop.

Brian Mitchell said the closest shop is in the Phoenix Plaza. Some shops specialize in custom work or certain styles. There isn't much difference between us. It's mostly custom stuff. I'm not concerned with

the proximity. I'm not expecting drive by business. It will be more radio and social media advertising that will pull our clientele in.

Assistant City Attorney Victoria Hales added that the CUP does run with the land. If approved, the CUP will remain with the property. Planning Commissioner will need to make findings that any detrimental effects can be mitigated.

MOTION: Commissioner Diane Adams made a motion to approve the CUP for the tattoo shop at 1250 W Sunset Blvd Ste B1, subject to no smoking products being sold, business license, disposal of needles per state law, and see no detrimental findings that would prohibit this use.

SECOND: Commissioner Todd Staheli

AYES (6)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Commissioner Nathan Fisher

Commissioner Diane Adams

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAYS (0)

Motion carries.

4. **LOT LINE ADJUSTMENT (LLA) / LOT SPLIT (LS)**

- A. Consider approval of a lot line adjustment between two parcels located at the northeast corner of the intersection at 100 West Street and 250 North Street. The parcels are **SG-1642 and SG-1645**. The property is zoned RCC (Residential Central City). The representative is Mr. Bob Hermandson, Bush and Gudgell. Case No. 2013-LRE-020 (Staff Wes Jenkins)

Wes Jenkins presented the item:

There are two lots and they would like to move the interior lot line west and easements and other requirements will be in place.

MOTION: Commissioner Ro Wilkinson made a motion to recommend approval of the lot line adjustment for SG-1642 and SG-1645.

SECOND: Commissioner Julie Hullinger

AYES (6)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Commissioner Nathan Fisher

Commissioner Diane Adams

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAYS (0)

Motion carries.

- B. Consider approval of a lot line adjustment between two parcels located at the north end of Pioneer Road (north of the Bloomington Wal-Mart). The parcels are **SG-5-3-7-4433 and SG-5-3-7-44410**. The property is zoned PD-C (Planned Development Commercial). The

representative is Mr. Bob Hermandson, Bush and Gudgell. Case No. 2016-LRE-003 (Staff Wes Jenkins)

Wes Jenkins presented the item:

This is located north of the Bloomington Wal-Mart. Currently there is a narrow piece and large triangle. The proposal is to change the narrow piece into a rectangular developable lot on the east side of the property. There are two existing parcels and the proposal is for two parcels, and all easements and other requirements will be in place.

Councilman Joe Bowcutt asked if there is access from the road by Wal-Mart.

Wes Jenkins said that isn't a public road. If they wanted access from the south they would have to work with Wal-Mart for that. The access for both pieces of property is off of Pioneer.

MOTION: Commissioner Julie Hullinger made a motion to approve.

SECOND: Commissioner Diane Adams

AYES (6)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Commissioner Nathan Fisher

Commissioner Diane Adams

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAYS (0)

Motion carries.

- C. Consider approval of a lot split on commercial property located at the northwest corner of the intersection at 400 East and Sunland Drive (east of Furniture Row). The Parcel is **SG-5-2-31-240011**. The property is zoned C-3 (General Commercial) and the representative is Mr. Bob Hermandson, Bush and Gudgell. Case No. 2016-LRE-004. (Staff Wes Jenkins)

Wes Jenkins presented the item:

There is an existing "L" shaped parcel. They would like to split the "L" off to create two parcels. They are making the adjustment so they can put up a message reader on the commercial property and not be adjacent to residential.

Assistant City Attorney Victoria Hales asked if the change leaves a legal lot.

Wes Jenkins said yes.

Assistant City Attorney Victoria Hales noted that they will not be able to merge the lots later and keep the sign, and this isn't approval of a particular sign.

MOTION: Commissioner Todd Staheli made a motion to recommend approval of item 4c subject to staff & legal comments.

SECOND: Commissioner Ro Wilkinson

AYES (6)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Commissioner Nathan Fisher

Commissioner Diane Adams

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAYS (0)
Motion carries.

5. **PRELIMINARY PLATS**

- A. Consider approval of an amended preliminary plat for a nine (9) lot commercial subdivision development called “**Boulder Creek Crossing Phase 1.**” The property is zoned PD-C (Planned Development Commercial) and is located at 1450 S River Road. The applicant is Rosenberg Associates. Case No. 2016-PP-007 (Staff – Wes Jenkins).

Wes Jenkins presented the following:

The purpose of this amendment is because there were 3 lots and now they would like 9 lots.

Commissioner Diane Adams asked where the lot line between lots 5 and 6 is located.

Wes Jenkins said it is where the sewer line easement is. I will have them call that out.

Assistant City Attorney Victoria Hales asked what the lot numbers are that do not have direct road access.

Wes Jenkins said most of the lots will have access from the interior road with shared access, parking, utilities, etc to be handled in their CCRs.

Assistant City Attorney Victoria Hales noted that all preliminary plats are subject to legal review later.

MOTION: Commissioner Ro Wilkinson made a motion to recommend approval of the change from 3 lots to 9 lots with staff comments.

SECOND: Commissioner Don Buehner

AYES (6)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Commissioner Nathan Fisher

Commissioner Diane Adams

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAYS (0)

Motion carries.

- B. Consider approval of a preliminary plat for a thirty (30) lot residential subdivision development called “**Meadow Pointe.**” The property is zoned R-1-7 (Single Family Residential 7,000 sq. ft. minimum lot size) and is located at 2720 E and 450 N. The applicant is High Pointe Homes LLC. Case No. 2016-PP-002 (Staff – Wes Jenkins).

Wes Jenkins presented the following:

These will be double fronting lots and they will be required to install a privacy wall and 10’ landscape strip. The City will own and maintain the landscape strip which is consistent on 450 North and arterial streets. There is a 30’ easement for the overhead power line.

MOTION: Commissioner Don Buehner made a motion to recommend approval for item 5B, Meadow Pointe Preliminary Plat.

SECOND: Commissioner Julie Hullinger

AYES (6)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Commissioner Nathan Fisher

Commissioner Diane Adams
Commissioner Julie Hullinger
Commissioner Todd Staheli
NAYS (0)
Motion carries.

- C. Consider approval of a preliminary plat for a fifteen (15) lot residential subdivision development called “**Sand Cove at the Ledges.**” The property is zoned PD-R (Planned Development Residential) and is located at 1500 West Canyon Tree Drive. The applicant is Development Solutions Group. Case No. 2016-PP-003 (Staff – Wes Jenkins).

Wes Jenkins presented the following:

This property was approved for short term rentals with the latest zone change. They are proposing a native open space between this area and the Whiterocks Subdivision (hatched area on plat). The OS will be owned by the master HOA of the Ledges Development.

MOTION: Commissioner Ro Wilkinson made a motion to recommend approval of 5C preliminary plat with short term rentals and the HOA will own and maintain the open space.

SECOND: Commissioner Todd Staheli

AYES (6)

Commissioner Ro Wilkinson
Commissioner Don Buehner
Commissioner Nathan Fisher
Commissioner Diane Adams
Commissioner Julie Hullinger
Commissioner Todd Staheli
NAYS (0)
Motion carries.

- D. Consider approval of a preliminary plat for an eighteen (18) lot residential subdivision development called “**Northgate Peaks at the Ledges Phases 3 and 4**” The property is zoned PD-R (Planned Development Residential) and is located at 5700 North Northgate Peaks Dr. The applicant is Development Solutions Group. Case No. 2015-PP-030 (Staff – Wes Jenkins).

Wes Jenkins presented the following:

This project is south of Winchester Hills. There will be open space to separate each development. They will be required to extend the road to provide a second access to Winchester. There is a 100’ no build and a 200’ 1 unit per acre. They are staying out of all of that area. The road has to be built with the subdivision. It will be a public road.

MOTION: Commissioner Julie Hullinger made a motion to recommend approval of 5d and include staff comments.

SECOND: Commissioner Ro Wilkinson

AYES (6)

Commissioner Ro Wilkinson
Commissioner Don Buehner
Commissioner Nathan Fisher
Commissioner Diane Adams

Commissioner Julie Hullinger
Commissioner Todd Staheli
NAYS (0)
Motion carries.

- E. Consider approval of a preliminary plat for a fourteen (14) lot residential subdivision development called “**Hidden Pinyon at the Ledges Phases 3 and 4**” The property is zoned PD-R (Planned Development Residential) and is located at 5700 North Hidden Pinyon Dr. The applicant is Development Solutions Group. Case No. 2015-PP-029 (Staff – Wes Jenkins).

Wes Jenkins presented the following:

This is a single family development with no common or limited common areas. There is a golf course adjacent to these lots so there will need to be a hazard note on the plat. There is still an open area remaining before Winchester Hills. The first 100’ is no build and then the next 100’ the density is 1 lot/acre.

MOTION: Commissioner Don Buehner made a motion to recommend approval of Hidden Pinyon phases 3 and 4 with staff comments.

SECOND: Commissioner Diane Adams

AYES (6)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Commissioner Nathan Fisher

Commissioner Diane Adams

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAYS (0)

Motion carries.

- F. Consider approval of a preliminary plat for a seven (7) lot residential subdivision development called the “**Brookfield Estates Phase 3**” The property is zoned R-1-10 (Single Family Residential 10,000 sq. ft. minimum lot size) and is located at 1060 W Shady Springs Drive. The applicant is HETTSA Inc. Case No. 2016-PP-004 (Staff – Wes Jenkins).

Wes Jenkins presented the following:

This came before you as an annexation recently. There is an erosion hazard boundary line for the Santa Clara wash so an erosion hazard study and mitigation measures will be needed with the project. The property sits below Indian Hills Drive. There is a lift station for the sewer. The lift station will need to be relocated. There will also be a temporary turn around for emergency access. The irrigation line will have to be relocated with the development as well and an easement will be needed.

MOTION: Commissioner Diane Adams made a motion to recommend approval of 5f for 7 lots subject to the erosion hazard study and mitigation, lift station relocation and relocation of the irrigation line and include all staff comments.

SECOND: Commissioner Ro Wilkinson

AYES (6)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Commissioner Nathan Fisher
Commissioner Diane Adams
Commissioner Julie Hullinger
Commissioner Todd Staheli
NAYS (0)
Motion carries.

- G. Consider approval of a preliminary plat for a twenty-eight (28) lot residential subdivision development called “**Sun River Phase 48.**” The property is zoned PD-R (Planned Development Residential) and is located at 1470 West Bluegrass Way. The applicant is Sun River Development. Case No. 2016-PP-006 (Staff – Wes Jenkins).

Wes Jenkins presented the following:

This is part of the Sun River PD. This is one of the last areas to develop out there. There will be maintenance access & sewer in the drive to the golf course.

MOTION: Commissioner Don Buehner made a motion to recommend approval of item 5g for Sun River Phase 48.
SECOND: Commissioner Todd Staheli
AYES (6)
Commissioner Ro Wilkinson
Commissioner Don Buehner
Commissioner Nathan Fisher
Commissioner Diane Adams
Commissioner Julie Hullinger
Commissioner Todd Staheli
NAYS (0)
Motion carries.

If listening to the audio, see item #2 regarding 450 North

6. **HISTORIC PRESERVATION (HPC)**

Consider a request to modify the exterior aesthetics at **79 North Main Street** a property located within the ‘Historic District Overlay Zone.’ The zoning is C-4 (Central Business Commercial Zone). The applicant is Mr. Ryan Gubler. Case No. 2016-HPC-001. (Staff John Willis)

John Willis presented the following:

The proposal is to wrap with wood trim and paint with grey a two tone and the sides will be stucco. The door would be wood. The Historic Preservation Commission recommended approval. The footprint will remain the same. They are only changing the façade. They are extending the parapet and drainage will be addressed.

Commissioner Nathan Fisher asked if the colors are consistent with the historic nature of the area.

John Willis said yes, grey with white trim.

Councilman Joe Bowcutt stated concern not seeing a materials board. I struggle that the place there before had brick and this is all window, and it’s too modern. That’s why I would like to see more details. This is a rough rendering.

John Willis said we can put that as a condition or we can table and require it be submitted prior to review.

Commissioner Todd Staheli said I would like to know what I am approving.

Commissioner Don Buehner agreed that being more informed on what we're approving is preferable.

Commissioner Julie Hullinger agreed that a color and materials board is required.

Assistant City Attorney Victoria Hales said it is an option to decide that the request is incomplete. Staff can pull the item if it is incomplete.

7. **FINAL PLAT (FP)**

Consider approval of a final plat for a two (2) lot residential subdivision development called "Sycamore Phase 9." The zoning is R-1-10 (Single Family Residential 10,000 sq. ft. minimum lot size) and is located at 2750 East and 3800 South (in the Little Valley area). The representative is Mr. Brad Petersen, Development Solutions. Case No. 2015-FP-061 (Staff Wes Jenkins)

Wes Jenkins presented the following:

On the preliminary plat this was part of another phase. The 2 lot subdivision is because the City and developer are working on an underpass at 3000 East and we have not yet formalized that plan. There's a trail at 3000 E and the west and this will allow the trail to go under and there will be a park. There is no guarantee that there will be a stop light at 3000 East and the parks department doesn't want people crossing without one so that's where the underpass came from.

MOTION: Commissioner Todd Staheli made a motion to recommend approval and authorize chair to sign.

SECOND: Commissioner Diane Adams

AYES (6)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Commissioner Nathan Fisher

Commissioner Diane Adams

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAYS (0)

Motion carries.

8. **MINUTES**

Consider approval of the minutes from the March 10, 2015, April 14, 2015, April 28, 2015, and May 12, 2015 meetings.

Minutes were not approved at this meeting because of the late hour.

ADJOURN

MOTION: Commissioner Todd Staheli

SECOND: Commissioner Don Buehner

Meeting adjourned at 7:21 pm.

**PLANNING COMMISSION
CITY OF ST. GEORGE
WASHINGTON COUNTY, UTAH
February 23, 2016 – 5:00 PM**

PRESENT: Chair Ross Taylor
Commissioner Don Buehner
Commissioner Ro Wilkinson
Commissioner Diane Adams
Commissioner Nathan Fisher
Council Member Joe Bowcutt

CITY STAFF: Assistant Public Works Director Wes Jenkins
Planning & Zoning Manager John Willis
Planner II Ray Snyder
Assistant City Attorney Victoria Hales
Building & Development Office Supervisor Genna Singh

EXCUSED: Commissioner Julie Hullinger
Commissioner Todd Staheli (arrived at 5:17)

Chair Ross Taylor called the meeting to order and asked Commissioner Ro Wilkinson to lead the flag salute at 5:00 pm.

Chair Ross Taylor stated that Item 5 has been pulled from the agenda regarding the historic property.

1. **ZONE CHANGE (ZC)** (Public Hearing)

- A. Consider a request to rezone approximately 10.43 acres from R3 (Multiple Family) to PD-R (Planned Development Residential). The project is called the '**Joshuas Phase 2 and 3**' and the property is located on Tonaquint Drive. The owner is Salisbury Homes and the representative is Bush and Gudgell, Inc. Case No. 2015-ZC-037. (Staff - John Willis)

John Willis presented the following:

There are two aspects to this request – the R-3 to PD-R and an amendment to the existing PD-R classification. We'll be reviewing the site plan, materials board, and short term rental request for Phase 2 and Phase 3. Phase 2 exists and Phase 3 is currently vacant land. Phase 1 is not included in this request. The general plan was modified from LDR to MDR earlier this year. Current Phase 2 zoning is R-3 and current Phase 3 zoning is PD-R.

There are two types of units being proposed. The first is a single family detached patio home with private ownership on the pad, limited common and common area surrounding. There are twenty (20) townhouse units proposed with garages. The density is 6.38 units per acre. Two (2) parking stalls are required per unit and guest parking is required. The request meets both of

those standards. They are providing 31% landscaping and 15,000 s.f. of recreation area. Access proposed is a continuation of the private streets established with Phase 1 and Phase 2. There is a landscaping plan. There are double fronting lots on Tonaquint that will require the 10' wide landscaping strip and 6' high privacy wall. Townhouse elevations were submitted. The single family units will be similar to the existing homes in Phases 1 and 2.

Regarding short term rentals – they are permitted in the PD zone if requested and approved. Short terms rentals must be noted on the plat as well as in the CCRs. A minimum of one hundred (100) units is required and they have proposed one hundred nine (109) units. A recreation area is also required such as a golf course, pickle ball courts, pool and clubhouse or other amenity as approved. Their request is to provide a pool without a club house and a tot lot. Another requirement is 100% consent from all existing property owners. They have received that consent. The Phase 2 plat will need to be amended to include that short term rental note on the plat if approved. Private streets are a specific request and must be addressed. Letters have been submitted for the project from the neighbors.

Commissioner Nathan Fisher asked if the lots sit higher.

John Willis stated there is an elevation change and then the golf course. The homes climb up from Tonaquint Drive.

Councilman Joe Bowcutt asked if the short term rentals are for Phase 2 and Phase 3 only.

John Willis said that is correct.

Commissioner Diane Adams stated the amenities look rather open and it appears to have a playground right next to the pool. Is it open or closed off?

John Willis responded that building code requires a 5' fence with self-closing gate around a pool.

Councilman Joe Bowcutt asked if there is a timeframe the 100 units need to be built so they don't have short term rentals on 50 units and the other units never get built.

Assistant City Attorney Victoria stated the code requires 100 units.

Commissioner Nathan Fisher noted that ordinance says 100 units approved.

Assistant City Attorney Victoria Hales said they cannot short term rent any unit until all 100 units are built.

Commissioner Nathan Fisher asked how many units exist in Phase 2.

John Willis said Phase 2 has 45 units built but there are vacant lots.

Assistant City Attorney Victoria Hales asked how Phase 2 and Phase 3 share the amenities. We may require more than just the CCRs so Phase 2 has unlimited access to amenities that are located in Phase 3.

John Willis said the amenities split the phases.

Commissioner Nathan Fisher asked if all three phases share the same CCRs. Will the HOAs be separate now between Phase 1 and Phase 2 and 3?

Assistant City Attorney Victoria Hales stated we'll have to sort through that.

Commissioner Ro Wilkinson said the amenities look small for 3 phases.

Assistant City Attorney Victoria Hales clarified the amenities are for 2 phases.

Councilman Joe Bowcutt said it would nice to add another legal area for short term rentals.

Corbin Church (applicant) – I bought the 37 vacant lots in phase 2 for a reduced price due to the economy and soil conditions in the area. We mitigated the soils issue in the area and started marketing. We've proved that what we've done has fixed the soils. We built two homes and in 18 months we've had zero offers.

I bought land from Santa Clara City and their only requirement was that I develop short term rentals. Paradise Village was built out in 12 months. The Joshuas has only had one home built a year for the past few years. If we can zone the Joshuas to allow short term rentals, the scourge of clay can be overcome. I believe it can be successful. We will have to build the amenity. Rick Salisbury owns phase 3 and I own quite a few lots in phase 2. Rick and I are working on this together. Paradise Village has a pool amenity that we would like to put here as well but have not yet designed it.

Legal has brought up 100 units have to be built before short term rentals will be allowed. The unit in the code should be an approved pad not built home. This area has not progressed in a long time. There are more vacant lots than built lots. I don't understand why anyone would build here unless short term rentals are approved. Many of the homes in the Joshuas are rentals. Owners moved and rented because they can't sell.

Chair Ross Taylor stated the amenity shown from Paradise makes a difference than what was shown in the site plan for the Joshuas. My concern is when permanent residents are subject to short term rentals with no amenities and plan.

Corbin Church said there is a mixture in Paradise Village. The code requires amenities. We wanted to include phase 1 of the Joshuas but could not obtain consent from one owner. Phase 1 will be able to use the amenity. The residents are looking for the area to come back to life. This will be an affordable short term rental area.

Assistant City Attorney Victoria Hales counseled that 100% consent is required so that short term rentals cannot be imposed on existing residences. Will the amenities be adequate if phase 1 were to join in? We would have to review that if they receive consent from phase 1 and amend the plat.

Commissioner Nathan Fisher said we need more detail on the amenity. If we approve as is that's all that has to go in.

Commissioner Todd Staheli agreed. We need to see what the amenities will truly be.

Corbin Church replied if we could present that to City Council based on your recommendation we would prefer that.

Commissioner Nathan Fisher said that is an option or we can create parameters as a minimum now that you have to abide by.

Corbin Church added that the pool is a great factor for Paradise Village.

Commissioner Diane Adams asked how many units are in Paradise and in Joshuas Phase 1.

Corbin Church said there are 81 in Paradise and about 12 in Joshuas Phase 1.

Councilman Joe Bowcutt noted concern with the 100 unit minimum. There may need to be a percentage completed before you can start short term rentals.

Corbin Church stated there are 30 homes built and Salisbury is ready to move forward on Phase 3 once approved.

Chair Ross Taylor opened the public hearing.

Denise Shuwalter – president of the HOA – our neighborhood needs this. We do not have a place for children to play in this neighborhood and this would add to that. Homes in our neighborhood are already being used on sites like Air BnB and legal rentals that are better regulated would be great. This change would also increase value to our homes. This will spark interest in the area and allow the development to be completed. There is only one person in the Joshuas against this. Phase 3 would join the phase 1 and 2 HOA.

Brian Hale – I own 3 lots in phase 2. I've owned the lots for 3 years and have no desire to move forward on them because the area is not desirable. Once approved, I would start 2, maybe 3, homes because of the nightly rental approval.

Chair Ross Taylor closed the public hearing.

Commissioner Nathan Fisher said my first impression is that it would be good for the area. There are soils issues there. It may continue to sit the way it is even with mitigation measures because of the stigma. The area needs something. My first major concern is the detail needed for the amenity. An aspect of the short term rental is the amenity. There's a tremendous need for legally established short term rentals. We need to be careful that we don't rush to judgment just to fill the need which is my concern with the amenity. The detail is what is lacking. I don't want any neighborhood to come in with a pool and feel they can be short term rental so a minimum standard needs to be addressed. The ordinance states pool and clubhouse not just pool.

Corbin Church explained that we didn't want to do a clubhouse to allow for a much larger pool. We want an expansive pool rather than a small pool and unused clubhouse.

Commissioner Nathan Fisher said we need to make sure that this short term amenity is sufficient rather than just a pool.

Councilman Joe Bowcutt added this would be a great spot for short term rentals but I'm still concerned with the 100 lots. I would hope that your motion can give Council guidance as to the amenity and 100 unit issue.

Chair Ross Taylor said there is a great need for short term rentals and you can see that by accessing any of the rental websites. I don't want to put a greater burden on code enforcement and am concerned about adjacent properties not approved will pick it up and try to rent as well. This is part of a larger neighborhood and I can see phase 1 having issues.

Commissioner Nathan Fisher agreed that having to build 100 units prior to renting them is cost prohibitive. There is a lot to address in trying to monitor the 100.

Assistant City Attorney Victoria Hales counseled that Planning Commission is allowed to require phasing of the amenities and product in a PD. This is a PD zone change so they are required to provide details. You can recommend approval, denial, or approval with conditions such as amenities and phasing. The short term rentals can be subject to conditions and phasing.

You can require the applicant bring forward the specificity in regards to the amenity. The applicant can also continue the item for you to review it again before it goes to Council.

Commissioner Nathan Fisher stated putting conditions on the phases as to what we think makes sense is a good option. My concern with us doing it is that we don't know the numbers as well as the applicant may. I would prefer the applicant put together the scenario about how many units are to be built and in what timeline. If we go that route I would like to see it prior to it going to City Council. I would hate to put numbers on the phasing that is not economical.

Assistant City Attorney Victoria Hales explained that they have to have amenities to short term rent regardless of the unit count.

Commissioner Todd Staheli stated I don't want to slow anything down but I would like to see the pool that was shown at Paradise.

Corbin Church suggested that they could return in 2 weeks to make that comfort level. The amenity will have to be built first. Home construction will begin fairly quickly. The amenity has to be built first to market it. I think we're putting too much time and thought into the unit count. If we sell a home with the promise of short term rental and then that rental were revoked I see lawsuits. I would ask that you refrain from that. We all need to take a gamble here. My investment in the amenity is a large gamble.

Chair Ross Taylor noted that the applicant has requested that the item be continued so this will be heard at the next meeting for amenities and phasing details.

Commissioner Nathan Fisher added that the phasing should be reviewed as well before you come back so we have an idea of how to address it. I would have a hard time leaving the phasing unconditional.

Assistant City Attorney Victoria Hales said there are units that exist in the project which is to their advantage. When the amenities come in the code states pool and clubhouse but he is requesting pool and tot lot so you'll need to make a finding regarding that.

- B. Consider a request to rezone approximately 12.36 acres from OS (Open Space), R-1-10 (Single Family Residential 10,000 sq. ft. minimum lot size), and A-1 (Agriculture) to PD-C (Planned Development Commercial). The project is called '**Dixie Power Headquarters Building**' and the property is generally located at 3025 South River Road. The owner is Dixie Power and the representative is Mr. Scott Woolsey, Alpha Engineering. Case No. 2016-ZC-007. (Staff Ray Snyder)

Ray Snyder presented the following:

Dixie Power would like to change the zone on 5 parcels which will need to be merged prior to construction. The original request was PD-AP but the established code is for PD-C not PD-AP. The applicant is amenable to that modification. The general plan is Professional Office (PO). A site plan has been submitted. A use list has been submitted with nine (9) categories. The focus will be on categories 1, 8 and 9. A landscape plan has been submitted as well as building elevations. It is a single story building less than 35' in height.

Councilman Joe Bowcutt asked if the existing building will remain.

Ray Snyder said it will. There are possible conditions listed in the staff report. Some added conditions that are not listed may be the building design and renderings, the site plan, the landscape plan, and then site plan review per staff approval.

Assistant City Attorney Victoria Hales asked if there is adequate parking.

Ray Snyder explained the parking will be addressed more fully at the site plan review level.

Scott Woolsey said the landscaping will be grass. The lot merger has been done. The building is one story. Most of the building will be used for their engineering department. Their main facility will still be on Brigham Road which will be upgraded in the future. Most of the building is for employees and not public access.

Chair Ross Taylor opened the public hearing.

Chair Ross Taylor closed the public hearing.

MOTION: Commissioner Ro Wilkinson made a motion to recommend approval of the Dixie Power zone change and include staff comments and the representative's comments.

SECOND: Commissioner Diane Adams

Assistant City Attorney Victoria Hales stated the conditions in the PD-C limit them to uses that conform to PO.

MOTION: Commissioner Ro Wilkinson added the comments from legal.

SECOND: Commissioner Todd Staheli

AYES (6)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chair Ross Taylor

Commissioner Nathan Fisher

Commissioner Diane Adams

Commissioner Todd Staheli

NAYS (0)

Motion carries

2. **ZONE CHANGE AMENDMENT (ZCA)** (Public Hearing)

- A. Consider a zone change amendment to amend the PD-C (Planned Development Commercial) zone on approximately 1.5 acres to develop a **Rite Aid Pharmacy** and to approve a Master Sign Plan for the single tenant. The property is generally located at the northwest corner of River Road South and 1450 South Street. The applicant is Rite Aid and the representative is Mr. Jonathon Power, Drake SG Partners, LLC. Case No. 2016-ZC-008 (Staff Ray Snyder)

Ray Snyder presented the following:

The use does meet the approved use list per the PD. The developer will need to raise the base floor elevation in order to develop in the flood plain. A landscape plan has been submitted and

meets the ordinance. A sign plan has been submitted. They have asked for a 20' pylon sign which wouldn't be allowed per the sign ordinance but can be requested per the PD. Elevations have been submitted as well. They have submitted a materials board.

Commissioner Nathan Fisher asked if the sign is single tenant.
Ray Snyder said it is.

Assistant City Attorney Victoria Hales said I am concerned about the other properties wanting similar signage.

John Willis explained the other properties would have to comply with the ordinance unless they request a sign in excess of the code. Sign sizes are calculated based on linear lot frontage. Each lot is viewed separately in regards to their frontage. Requests would only come forward if other potential businesses would like to exceed the code.

****Discussion on the signs and lot configurations****

Jonathan Power (applicant) stated as far as signage there is nothing more important. There is a correlation between sales and signage. We do ask that you consider the variation from the code. We are an anchor tenant in this project so I don't know that other companies will ask for the same thing. I would hate for this to be held up for a signage issue.

Commissioner Don Buehner countered I have a hard time assuming others will not have the same request.

****Assistant City Attorney Victoria Hales brought in the proposed plat for review****

Chair Ross Taylor opened the public hearing.

Steve Sheffield (applicant) said we are in favor of the Rite Aid site plan. We've put in a lot of work to get this going. We thought there were going to be monument signs for each parcel. The first view will be a bank, then Rite Aid, then another bank type building, and then a building that will include 3 restaurants, and then a retail building with 2 users, then the Tagg N Go, then the 20,000 s.f. Stephens Henagar College. We're trying to follow the PD theme with stone and accents. We speak in favor of what they're doing. Perhaps the pole sign can come back and the site plan and other aspects can move forward.

Commissioner Don Buehner asked if you are following a PD, is there a way for you as the developer to address the signage.

Steve Sheffield said we'll want some type of project sign showing this is a collective center. My preference is a low profile sign for the collective.

Commissioner Don Buehner asked if there is a location picked for the multitenant sign.

Steve Sheffield said we're looking at the SW corner phase NE at the intersection of 1450 E and River Road. It would be a project message reader for all the businesses we have.

Chair Ross Taylor closed the public hearing.

Commissioner Nathan Fisher said there are going to be signs out there and I'm concerned about multiple tall signs. It's a busy street and fast road so perhaps those signs will be needed to see them as driving by.

Commissioner Don Buehner said if we do consider a taller sign it wouldn't mean we have to consider it for the other properties.

Commissioner Nathan Fisher said that is true but maybe all of them need it. It would be ideal to plan ahead but it doesn't look like we can at this point. This location is separated by 1450 South.

Commissioner Nathan Fisher left the meeting at 7:02 pm

Commissioner Don Buehner said I am leaning towards approval as is because they are first and serve as an anchor.

Assistant City Attorney Victoria Hales explained you're approving the materials board, renderings, site plan, landscape plan, etc. The proposal is subject to the final plat recording.

MOTION: Commissioner Don Buehner made a motion to recommend approval of item 2A, Rite Aid to approve the sign for the single tenant and carefully consider the 20' pylon sign that is in excess of the ordinance and subject to the final plat recording, and recommend the elevations and color materials boards as presented.

SECOND: Commissioner Diane Adams

AYES (5)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chair Ross Taylor

Commissioner Diane Adams

Commissioner Todd Staheli

NAYS (0)

Motion carries.

- B. Consider a zone change amendment to the Hidden Valley Master Plan for a 4.77 acre commercial neighborhood development at the corner of Brigham Road and Desert Hills Drive to be called "**Desert Hills Plaza.**" The property is currently zoned PD-R (Planned Development Residential) and it is requested to change to PD-C (Planned Development Commercial). This plan amendment will update the approved 'use' list. Also being considered is the site layout, building design, colors, materials, circulation, etc. The owner is Wind Mill Plaza LLC, the applicant is Development Solutions Group, Inc, and the representative is Mr. Ryan Thomas. Case No. 2016-ZCA-009 (Staff Ray Snyder)

Ray Snyder presented the following:

They are splitting the property approximately in half. There is a conceptual site and landscape plan. There is a rendering for the C-store. This will amend the Hidden Valley area master plan. They are changing the language in the master plan's narrative. They propose expansion of the use list. The land use plan will also be updated. There is a use list submitted.

Commissioner Don Buehner asked if the general plan was changed recently.
Ray Snyder said it came before you to do multiple-family.

John Willis added that we amended the general plan and left this corner as commercial – the remainder is residential. The current general plan has a commercial bubble. The MDR didn't get approval because the Hidden Valley master plan didn't have enough units to allocate any to this property. The remainder of this property will remain PD-R.

Chair Ross Taylor opened the public hearing.

Sue Wilson – we own property in Hidden Valley Estates. I am concerned that the other half of the property has not been developed and that it will turn into commercial as well. This is a very busy corner. It is also a location that will promote drug drop offs because of the proximity to the freeway. As an educator I'm concerned and as an owner in the area I am concerned. At the time this was first built very few units could be rentals. I'm concerned that no one would want to build in that remaining area or the only product that would be there would be apartments.

Kevin Taylor – Hidden Valley Heights Board of Directors – we have 244 town homes in the development. There was a proposal to change the zoning from commercial to HDR. It is my understanding it was not approved. The Board was okay with the residential. The proportions have changed. There was a commercial area left but it wasn't as big as this proposal. The main concern is that the property is proposing a C-store. C-stores typically sell beer. There is a high school, elementary school, middle school, and seminary building all across the street. We're not against development. Alcohol sales are the sticking point we would like you to consider. Traffic is another issue we're concerned about. The state requirement and city licensing state 600' pedestrian and 200' straight line. The state will consider requests for variances for the 600' pedestrian but not the 200' straight line.

Assistant City Attorney Victoria Hales counseled that many alcohol laws are per the state. Before the Commission tonight is if the use list is appropriate. The use list was created prior to the schools being developed.

Chair Ross Taylor closed the public hearing.

Curt Gordon – there's a bit of confusion with the parcel. We applied for MDR but were turned down which is why we're here with a commercial application. We're proposing a neighborhood commercial development. There has been a lot of planning put into this piece. In 2007 it was approved as a commercial area. The C-store will follow the law. I ask for your support and think this will be good for the neighborhood as there isn't much commercial in this area.

Commissioner Don Buehner stated that adult things being sold where children are is problematic and a C-store in that area could sell beer.

Assistant City Attorney Victoria Hales noted they would have to abide by state law.

Curt Gordon added that we exceed the distance requirements per state law.

Assistant City Attorney Victoria Hales counseled that the Planning Commission can review the use list per the PD-C not specific products that potentially may be sold. You can address the use list but cannot put conditions on uses you approve.

Councilman Joe Bowcutt said my feeling is that the idea of a C-store is awesome. The proximity to the school is great for convenience.

Commissioner Todd Staheli said having commercial in that area is terrific. A convenience store is nice but I would prefer to not have liquor so close to the school.

Commissioner Don Buehner said commercial is viable there and can help reduce traffic. If you do have commercial there would be a steady flow of pedestrian traffic. I would try to limit adult materials being sold. The safety of the children and area is a concern. I would want to look at crosswalks or speed bumps.

Assistant City Attorney Victoria Hales reiterated that the use list is the focus not whether there is an adult component inside each use. You want to limit things based on health, safety, etc per the use list.

Commissioner Don Buehner suggested eliminating all retail sales except for office supplies and printing and then food service only allow bakery, sit down and ice cream parlor and not allow a drive thru.

Commissioner Todd Staheli questioned why no drive thru. If you do that you're going to limit the restaurant tenants who will go there.

Commissioner Don Buehner explained it would help curb the traffic and safety. I see your point so maybe drive thru is okay but we need to scrutinize the use list. Amusement is fine, animal services is fine, I would eliminate automotive, candy shop is debatable, allow service businesses other than massage.

Ray Snyder added this is a new use list proposed by the applicant.

Curt Gordon explained we're proposing an amendment to the master plan text use list. Previously there was only a short paragraph that was general that said grocer, drug store, convenience store, and specialty shops. We're taking in that previous approval and added uses.

Commissioner Diane Adams noted that a grocer was previously approved and can sell alcohol.

Commissioner Don Buehner reiterated he would like to eliminate retail except for office supplies.

Curt Gordon countered that the retail component is vital to us. If we can't have retail then we can't market our property.

Chair Ross Taylor said we should look at what we cannot accept such as the convenience store and the supermarket.

Curt Gordon said the convenience store is important to us. The florist is important. Retail is important.

Commissioner Ro Wilkinson stepped out 7:55 pm

Commissioner Todd Staheli said some smaller type retail I can see working. I can see the convenience store and grocer not working. There are some retail sales that could fit.

Commissioner Don Buehner agreed. This is a great spot for restaurants and medical offices. There are uses we can eliminate that would still make the project viable. We are a recommending body.

Councilman Joe Bowcutt asked if the c-store is eliminated are you still in.

Curt Gordon said no.

Councilman Joe Bowcutt added we would like to see commercial away from downtown.

Curt Gordon added this piece and where it sits needs commercial to be successful. We don't want to put a flower shop in here and have it fail because there is no other traffic.

Councilman Joe Bowcutt stated the challenge is the convenience store.

Curt Gordon countered that is not accurate. The stated hold up is alcohol sales.

Assistant City Attorney Victoria Hales restated that the Commission is to consider the use list. Also, consider the entire use including traffic, drive thru, parking and what a c-store entails as far as safety. Any recommendation can consider safety and traffic and the entire use.

****Commissioner Ro Wilkinson returned at 8:00 pm****

Curt Gordon asked what the concern is regarding a C-store; is it the traffic? What's the clarification there? A master plan was submitted and approved in 2007 with the uses as commercial. Retail was permitted, grocer was allowed, and convenience was approved.

Assistant City Attorney Victoria Hales stated the use list in the packet is the proposal before the Planning Commission. The previous approved uses were a paragraph in the master text.

Commissioner Don Buehner said any use that would allow alcohol sales or cigarette sales is a concern to me.

Assistant City Attorney Victoria Hales stated that it would not be appropriate to delete one type of sale inside a particular use. You need to view the use list, and decide which to allow.

Commissioner Diane Adams asked if the applicant would proceed with the previously approved use list from 2007.

Curt Gordon said yes.

Commissioner Diane Adams questioned: do we assume that kids are going to buy alcohol here more than somewhere else? There is an assumption that because it is closer they will get it more than they do or don't now. Stores are responsible to verify who they sell to. Would a business person risk the short term benefit over the long term risk? You're trying to legislate a use for a potential risk that already exists.

Commissioner Don Buehner said mitigating the proximity to me has great value. I don't believe eliminating this use makes the project unfeasible.

Curt Gordon disagreed. There is a synergy with the different uses working together. It's not going to make our community worse.

Chair Ross Taylor stated educators would not appreciate a beer outlet at this location.

Assistant City Attorney Victoria Hales stated again, you need to look at uses, traffic, and safety. Base your decision on uses not a potential product's sales.

Commissioner Don Buehner suggested elimination of retail except for florist, printing, office supply, athletic sporting goods. I would remove antique store. I would remove book stores. I'm trying to get more professional oriented than retail oriented notwithstanding food.

****Councilman Joe Bowcutt stepped out at 8:10 pm****

Chair Ross Taylor said this is a commercial center and we need a commercial area. I would look at things that might appeal to all the residents. We want to make this a viable retail center.

Commissioner Don Buehner stated the push is toward professional such as offices, medical and dental, food services, the amusement recreation, animal services, services except for massage establishment.

Commissioner Todd Staheli asked how big the other buildings will be.

Curt Gordon said they are 4,500 s.f. footprints with up to 3 tenants. Another consideration is the market. This location doesn't have a huge demand for a narrow spectrum of uses. We might get a real estate office or two but I don't see that demand. The problem with this piece is there isn't an anchor.

Commissioner Don Buehner countered that the anchors are the schools.

Curt Gordon said we've talked to the high school about the proposal. It is a partial anchor but how many people are going to go to a real estate office on their way to a high school event?

Commissioner Ro Wilkinson said the area can't be successful without a grocer or c-store.

Commissioner Todd Staheli said I would like to see this project work. If he's going to obey the law I would hate to restrict the project.

Commissioner Ro Wilkinson said there needs to be a grocer or convenience store. We do need to make sure we don't expand the commercial area and this spot will suffice.

Commissioner Ross Taylor said I cannot vote in good judgment for alcohol sales that close to a school

Commissioner Don Buehner said he could not either.

MOTION: Commissioner Don Buehner made a motion to recommend approval of the zone change amendment with modifications to the use list that the convenience store and super market be stricken, as well as the massage establishment and approve all others as listed. The developer needs to submit some type of safety consideration for pedestrian traffic moving from the schools. I would include the materials board and elevations and staff comments.

Commissioner Todd Staheli asked if Planning Commission can request a traffic light.

Wes Jenkins explained there have to be certain standards for traffic lights or crosswalks.

Curt Gordon said there is a signalized intersection and crosswalk at Brigham and Desert Hills.

MOTION: Commissioner Don Buehner continued stating I would also strike the pharmacy from the use list.

Commissioner Todd Staheli asked which retail were removed.

Commissioner Don Buehner clarified that pharmacy, convenience store, supermarket for retail and then massage in the service.

Motion failed to obtain a second.

MOTION: Commissioner Diane Adams made a motion to recommend approval of item 2B as stated.

SECOND: Commissioner Ro Wilkinson

AYES (2)

Commissioner Ro Wilkinson

Commissioner Diane Adams

NAYS (3)

Commissioner Don Buehner

Chair Ross Taylor

Commissioner Todd Staheli

Motion fails. Assistant City Attorney Victoria Hales counseled that commissioners should attempt a motion that can obtain a consensus of 4 members. None is possible.

Item proceeds to Council with no recommendation.

Meeting break at 8:28 pm

Meeting resumed at 8:33 pm

Commissioner Don Buehner did not return to the meeting

Chair Ross Taylor noted that any items now must have a unanimous vote.

3. **CONDITIONAL USE PERMITS (CUP)**

- A. Consider a request for permission to manage and operate a tattoo shop called ‘**The ZionTattoo Parlor.**’ The applicant and representative is Mr. Matt Pehrson. The property is located at 987 S Bluff Street, Suite E and is zoned C-3 (General Commercial). Case No. 2016-CUP-007. (Staff John Willis)

John Willis presented the following:

The applicant has submitted a floor plan with a reception area in the front. There will be tattoos, piercing, and an art gallery. There will be 3 artists. It is a CUP so the findings are to be addressed and any detrimental effects mitigated.

Matt Pehrson – I’ve been a tattoo artist for 9 years. I’m currently at 314 but the owner there is leaving so I’m starting a new shop.

Commissioner Todd Staheli asked if there is a way to dispose of the needles. There is an art gallery component – is that separate from the shop?

Matt Pehrson said we do dispose of the needles properly. The art gallery is a secondary use. It will be on display and available but not the major selling point. The tattoo stations are walled off. The art gallery will not be a focal point just art on the wall.

Chair Ross Taylor asked if there are odors that need to be mitigated.

Matt Pehrson said there are no chemicals or odors.

MOTION: Commissioner Diane Adams made a motion to approve item 3a for a tattoo shop conditioned on no sales of smoke shop merchandise, obtain proper licensing and that there is no excessive noise, dust, comply with air quality. Many findings are not applicable;

it is not near other tattoo parlors and it fits the character of commercial area.

SECOND: Commissioner Todd Staheli

AYES (4)

Commissioner Ro Wilkinson

Chair Ross Taylor

Commissioner Diane Adams

Commissioner Todd Staheli

NAYS (0)

Motion carries.

- B. Consider a conditional use permit to construct a detached **accessory structure** with a height of approximately eighteen feet (18') to the midpoint of the roof for use as a personal shop and for storage of ATV's, autos, and RV's. The structure will be constructed of similar materials as the residence. The property is zoned RE-20 (Residential Estates 20,000 sq. ft. minimum lot size) and is located at 2556 East 2300 South Circle (Lot 13 Crimson Cliffs Ph 1). The applicant is Mr. Dustin Dell. Case No. 2016-CUP-008 (Staff - John Willis)

John Willis presented the following:

Accessory structures are limited to 15' in height unless a CUP is approved. The applicant has proposed 18'. This proposal is for a garage and shop. The materials are stucco and a tile roof not metal as listed in the staff report to match the existing house. They propose 5' setbacks from the side and rear so if approved they will need to approach the JUC for additional approvals. This is a CUP so the findings are to be addressed. It will be place at the rear corner of the lot. It is less than 25% of the rear yard.

Assistant City Attorney Victoria Hales noted that they will have to comply with all rules relating to home occupation businesses 10-2-1 and 3-7-1. Whenever there is a garage and shop of that size it becomes a question.

MOTION: Commissioner Ro Wilkinson made a motion to recommend approval of item 3B CUP for garage height and condition that they comply with city ordinances and that the structure be strictly residential and not commercial. I would like to include staff comments for conditions and mitigation.

SECOND: Commissioner Todd Staheli

Commissioner Diane Adams stated we should add that JUC approval is needed.

MOTION: Commissioner Ro Wilkinson added that JUC approval is needed.

SECOND: Commissioner Todd Staheli

AYES (4)

Commissioner Ro Wilkinson

Chair Ross Taylor

Commissioner Diane Adams

Commissioner Todd Staheli

NAYS (0)

Motion carries.

4. **LOT LINE ADJUSTMENT / EASEMENT VACATION (LLA)**

Consider approval of an easement vacation / lot line adjustment on commercial property which is located on the south side of Riverside Drive at approximately 2050 East (west of Maverik). The parcels involved are SG-5-2-28-2306, SG-5-2-28-2305, SG-5-2-28-2331, and SG-5-2-28-247. The purpose is to accommodate several commercial buildings. Case No. 2016-LRE-004. (Staff – Wes Jenkins)

Wes Jenkins presented the following:

There is an easement for a drainage line but there is no drainage line there so they would like to vacate that. They are also adjusting the lot lines to create 3 parcels. They are going to dedicate a deceleration lane as well which will be required as they develop the properties. The new easements are also shown.

MOTION: Commissioner Todd Staheli made a motion to recommend approval.

SECOND: Commissioner Ro Wilkinson

AYES (4)

Commissioner Ro Wilkinson

Chair Ross Taylor

Commissioner Diane Adams

Commissioner Todd Staheli

NAYS (0)

Motion carries.

5. **HISTORIC PRESERVATION (HPC)**

Consider a request to modify the exterior aesthetics at **79 North Main Street** a property located within the 'Historic District Overlay Zone.' The zoning is C-4 (Central Business Commercial Zone). The applicant is Mr. Ryan Gubler. Case No. 2016-HPC-001. (Staff John Willis)

(Note: This item was tabled at the 2/9/2016 PC meeting pending submittal of a color and materials board)

Item pulled prior to the meeting.

6. **PRELIMINARY PLATS**

- A. Consider approval of an amended preliminary plat for a three (3) lot residential subdivision development called Blackberry Court Phase 3 Amended. The property is zoned R-1-10 (Single Family Residential, 10,000 s.f. minimum lot sizes) and is located along Blackberry Circle at approximately 750 North at approximately 1150 West. The applicant is Rosenberg Associates. Case No. 2016-PPA-008 (Staff – Wes Jenkins)

Wes Jenkins presented the following:

The amendment is for the cul-de-sac. They are staying out of the 100 year flood plain.

MOTION: Commissioner Ro Wilkinson made a motion to recommend approval of the item.

SECOND: Commissioner Diane Adams

AYES (4)

Commissioner Ro Wilkinson

Chair Ross Taylor

Commissioner Diane Adams

Commissioner Todd Staheli

NAYS (0)

Motion carries.

- B. Consider approval of a preliminary plat for a fifty-one (51) lot residential subdivision development called Desert Heights. The property is located at Desert Edge Drive and Barrel Roll. The applicant is Development Solutions Group. Case No. 2016-PP-009 (Staff – Wes Jenkins)

Wes Jenkins presented the following:

This is near the south end of their development. It does run along the Arizona border. They are requesting lot size averaging. They are allowed to have up to 50% below the lot size minimum. The density has to be 3.2 or less, and open space will be verified.

MOTION: Commissioner Diane Adams made a motion to recommend approval of Desert Heights.

SECOND: Commissioner Todd Staheli

AYES (4)

Commissioner Ro Wilkinson

Chair Ross Taylor

Commissioner Diane Adams

Commissioner Todd Staheli

NAYS (0)

Motion carries.

- C. Consider approval of a preliminary plat for a fifteen (15) lot residential subdivision development called Maple Estates. The property is located at 3000 East and 3580 South. The applicant is Development Solutions Group. Case No. 2016-PP-004 (Staff – Wes Jenkins)

Wes Jenkins presented the following:

There is a double fronting lot that requires the landscape strip and privacy wall. They are requesting lot size averaging. They'll have to mitigate the drainage through their construction drawings.

MOTION: Todd Staheli made a motion to approve item 6c and include staff comments

and condition the mitigation for drainage.

SECOND: Commissioner Diane Adams

AYES (4)

Commissioner Ro Wilkinson

Chair Ross Taylor

Commissioner Diane Adams

Commissioner Todd Staheli

NAYS (0)

Motion carries.

7. MINUTES

Consider approval of the minutes from the March 10, 2015, April 14, 2015, April 28, 2015, and May 12, 2015 meetings.

Ross – 4/28 meeting page 11 light colored line (2nd from bottom) that should be removed
5/12 – page 6 4th pp “if” should be “is”

MOTION: Commissioner Diane Adams made a motion to approve as corrected.

SECOND: Commissioner Todd Staheli

AYES (4)

Commissioner Ro Wilkinson

Chair Ross Taylor

Commissioner Diane Adams

Commissioner Todd Staheli

NAYS (0)

Motion carries.

ADJOURN

MOTION: Commissioner Todd Staheli

SECOND: Commissioner Diane Adams

Meeting adjourned at 9:06 pm.